

REMARKS

Summary of the Office Action

The drawings has been objected to for failing to illustrate certain details.

Claims 1, 4-6, 21-22, and 24-25 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 4,960,410 to Pinchuk ("Pinchuk").

Claims 13, 23, and 26 have been rejected under 35 U.S.C. 103(a) as allegedly obvious over Pinchuk in view of U.S. Patent No. 5,951,494 to Wang ("Wang").

Claims 7-8 have been held to contain allowable subject matter but have been objected to because depended upon a rejected base claim.

Applicants' Response

A. In the Specification

Applicants have introduced amendments to paragraphs [0033] and [0036] to correct typographical errors. No new matter has been added.

B. In the Drawings

An amended drawing sheet was submitted in the previous office action. If an additional copy is requested, the Examiner is respectfully requested to advise Applicant accordingly.

C. In the Claims

Applicants have amended independent claim 1 to correct a typing error in the last line.

Applicants also have amended dependent claim 5 to recite that "a transitional portion comprising the abutting ends of the proximal and distal portions is provided with a kink protection encompassing a part of each of the proximal and distal portions" of the guide wire tube. Support for this recitation can be found, e.g. in Fig. 4 of the drawings.

Applicants submit that claims 1, 4-6, 21-22, and 24-25 are patentably distinguishable under 35 U.S.C. 102(b) over Pinchuk for at least the reasons described below.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. 102(b), each and every element of a claim must be found, "either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See also MPEP § 2132.

Pinchuk discloses a catheter having a two-part tubular member that defines a passageway extending completely through the catheter. The proximal portion of the tubular member is a relatively stiff tube that is narrowed in the distal portion by grinding or necking the outer surface of the tube. A spiral cut may be carved in the distal portion to increase flexibility. Additionally, a flexible sheath may cover the distal portion to insure that the tubular member can hold pressure. *Pinchuk*, Abstract; Col. 3, lines 17-54.

The Examiner has characterized Pinchuk as disclosing that "proximal portion 60 is made of stainless steel or metal and is more rigid than distal portion 64 which is made of plastic." Applicants note that this is incorrect. Pinchuk

describes a tube made of **a single material having a constant rigidity**, the outer surface of which is machined, necked down or scored in the proximity of the balloon to increase the flexibility of the distal portion of the tube. *Pinchuk*, Col. 3, lines 17-32. Therefore, *Pinchuk* teaches that the flexibility of the distal portion of the tube is increased by mechanical operations such as grinding, necking, and/or scoring rather than by the use of materials of different properties.

Contrary to that, Applicants teach a guide wire tube having a proximal portion that is manufactured from a material having a higher rigidity and a distal portion that is manufactured from a material having a lower rigidity. Therefore, the increased flexibility of the distal portion is achieved without resorting to mechanical treatments such as grinding, necking, or scoring.

Concerning claim 5, the Examiner has also stated that in *Pinchuk* "[t]he kink protection is considered to be element 62 where it is necked down." Applicant also note that *Pinchuk* discloses that tube or sheath 64 **covers only the portion of the tube having a reduced outer diameter**. In one embodiment, tube or sheath 64 extends as far along the distal portion of tube 22 to abut bevel 62, where the proximal portion begins.

Contrary to that, Applicants' amended claim 5 requires the kink protection to encompass a part of each of the proximal and distal portions of the guide wire tube.

Concerning claims 21-26, *Pinchuk* does not disclose or suggest anywhere a guide wire tube having adjacent, separate boreholes, one of which houses the guide wire and the other one of which provides a passageway for the inflation fluid directed to the balloon. Therefore, the concept of a double-bored guide wire tube is completely extraneous to *Pinchuk*.

For the above reasons, claims 1, 4-6, 21-22, and 24-25 are patentable over Pinchuk, and the withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

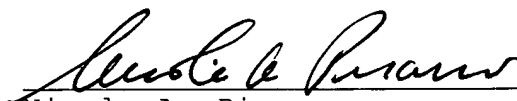
Applicants further submit that claims 13, 23, and 26 are patentable under 35 U.S.C. 103(a) over Pinchuk in view of Wang for at least the reasons described below.

The Examiner has stated that Wang adds to Pinchuk the missing element of a surface coating. As discussed above, Pinchuk does not disclose Applicants' invention regardless the coating element. Therefore, the combination of Pinchuk and Wang also does not teach Applicants' invention, and the withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

In view of the foregoing amendment and comments, applicant respectfully submits that claims 1, 4-8, 13, and 21-26 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Dated: January 11, 2007 Respectfully submitted,



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